

Remarks/Argument

The Examiner has made a nonstatutory double patenting rejection of the claims of this application and has requested that a provisional terminal disclaimer be filed to overcome claims 1-21 of copending application 10/104,185 in accordance with 37 CFR Sec. 1.321©. These applications are commonly owned, as indicated by the assignments filed by the inventors in each application.

It is apparent from the mailing dates and contents of the office actions that 10/104,185 was examined prior to the instant application, although the instant application was filed first. 10/104,185 is a continuation-in-part of the instant invention. For this reason we believe that the double patenting rejection would have been more properly made in 10/104,185. Prior to the 1995 changes in the law due to GATT, when patent terms were 17 years from issue, it was possible for an later filed application to issue earlier than a parent application and expire earlier than a parent application that actually issued later. Since patent term is now 20 years from filing, the parent application will expire first in any event. It is 10/104,185 that requires the provisional terminal disclaimer, since it was filed about three months following the parent application. For this reason, provisional terminal disclaimers are being provided by the applicant in response to office actions in both the instant invention and 10/104,185. Applicants note that a fee of \$110.00 is charged for each provisional terminal disclaimer. A provisional disclaimer is only necessary in one application. Applicants therefore request that they only be charged for one terminal disclaimer.

Since provisional terminal disclaimers have been filed as requested by the Examiner, it is the Applicants' position that the claims, as now amended, are in

condition for allowance. Applicants' respectfully request that the claims be passed to allowance.

Respectfully submitted,



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